

**HEARING DATE: MAY 4, 2021**  
**HEARING TIME: 10:00 A.M.**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: PURDUE PHARMA L.P., *et al.*,

Debtors. <sup>1</sup>

Chapter 11

Case No. 19-23649 (RDD)

(Jointly Administered)

**JOINDER TO STATE OF WEST VIRGINIA'S OBJECTION TO DEBTORS' MOTION  
TO APPROVE DISCLOSURE STATEMENT**

The Ad Hoc Committee for NAS Children ("NAS Children Ad Hoc"), through its counsel, Tarter Krinsky & Drogin LLP, respectfully files this joinder to objection of the State of West Virginia, *ex rel.* Patrick Morrissey, Attorney General (the "West Virginia Objection") [Docket No. 2703] to the Debtors' *Motion to Approve (I) the Adequacy of Information in the Disclosure*

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Button Land L.P. (7502), Rhodes Associates L.P. (N/A), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF L.P. (0495), SVC Pharma L.P. (5717) and SVC Pharma Inc. (4014). The Debtors shall include their affiliates and other entities under their control. The Debtors' corporate headquarters is located at One Stamford Forum, 201 Tresser Boulevard, Stamford, CT 06901.

*Statement, (II) Solicitation and Voting Procedures, (III) Forms of Ballots, Notices, and Notice Procedures in Connection Therewith, and (IV) Certain Dates With Respect Thereto* [Docket No. 2489], (the “Solicitation Procedures Motion”) [Docket No. 2489]. For reasons set forth below, the NAS Children Ad Hoc joins the West Virginia Objection.

## **I. Basis for Joinder**

1. In its objection, West Virginia aptly noted that “all creditors have an interest in knowing whether the states they reside in will be receiving adequate funds to combat the addiction crisis in that jurisdiction.” (West Virginia Objection at ¶11)

2. Attorney General Morrisey went on to argue “...even personal injury claimants have an interest in knowing whether the states they reside in will be receiving adequate funds to combat the addiction crisis faced in that jurisdiction.” (West Virginia Objection at ¶11)

3. West Virginia’s most innocent victims of the Debtor’s conspiracies, the NAS Children, harbor a particularly keen interest in whether West Virginia will be receiving adequate funds to combat the life-long impacts of fetal opioid exposure.

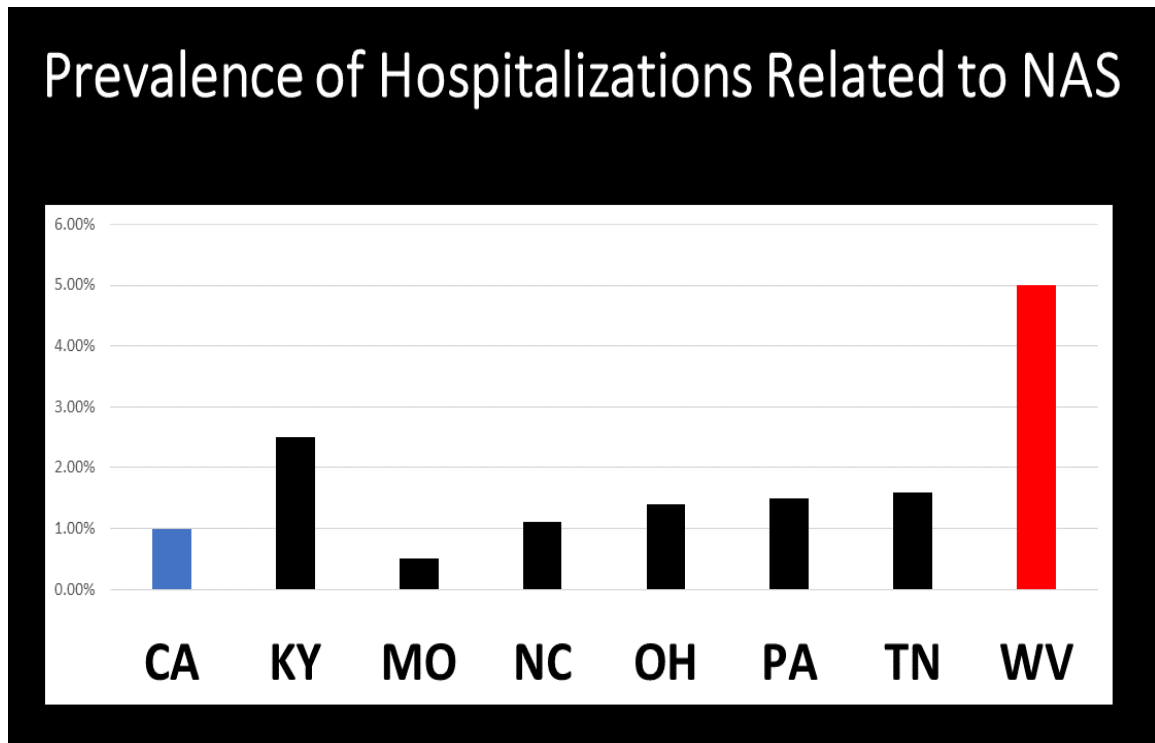
4. It is imperative that adequate funds reach West Virginia so the NAS families in the Mountain State will get at least some assistance from the Debtors.

5. The allocation among the public entities as briefly described in the Disclosure Statement failed to include NAS as a factor in determining intensity. This ignores the magnitude of the intensity wrought on states suffering from wave after wave of children born dependent on opioids.

## **II. NAS and the Intensity of West Virginia’ Opioid Crisis**

6. By any measure West Virginia has suffered immeasurably from the conspiracy initiated, financed, and led by the Debtors and the Sackler family, but the intensity of West

Virginia's NAS Crisis alone justifies a departure from the inadequately described allocation method found in the Disclosure Statement. (Docket No. 2734 at 63)



7. California and West Virginia had roughly the same number of NAS Hospitalizations but when population differences are considered as is reflected in the chart above, West Virginia dwarfs every other state with over 5% of all newborn babies being hospitalized for NAS.<sup>2</sup>

8. With average hospital stays of 16.9 days, the average costs for a single NAS hospital stay over \$67,000.<sup>3</sup> As most of the NAS Children are on Medicaid, at over 1,000 NAS

<sup>2</sup> Morbidity and Mortality Weekly Report Vol. 65, No. 31 (August 12, 2016), pp. 799-802 Published By: Centers for Disease Control & Prevention (CDC).

<sup>3</sup> R. Milahy, "Medical Costs of Addicted Newborns: Neonatal Abstinence Syndrome. NC Drug Treatment Courts." <http://www.ncdrugtreatmentcourts.com/NAS.html>; <http://www.empowerhealthusa.com/assets/research-paper---long-term-outcomes-of-infants-with-nas.pdf>

births every year<sup>4</sup> the cost to the West Virginia is over \$70,000,000 just to treat the babies for their opioid withdrawal.

9. Publicly denied until 2016, but privately acknowledged for decades by Purdue, fetal opioid exposure is associated with congenital malformations, low-birth weight and increased infant mortality.<sup>5</sup>

10. Science is well-established linking fetal opioid exposure to severe learning, neurobehavioral, speech/language, cognitive and developmental conditions that successful entry into a school-based learning environment an unachievable goal for so many.<sup>6</sup>

11. Grandparents are raising 76.3% of the newborns in Boone County, West Virginia.<sup>7</sup> The number of grandparents taking over the parental role for their grandkids in West Virginia has increased in tandem with the severity of the opioid epidemic in the state.<sup>8</sup> Many of the West Virginia NAS Claimants were given to grandparents with no notice, training, education or preparation soon after birth because unless a family member took the child the state would have no choice but to place the infant into the system. One moment they were looking forward to

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<sup>4</sup> Morbidity and Mortality Weekly Report Vol. 65, No. 31 (August 12, 2016), pp. 799-802 Published By: Centers for Disease Control & Prevention (CDC).

<sup>5</sup> See previously filed rule 2004 motions by NAS Ad Hoc Committee in this case, Doc. No. 2538, filed 2/19/21; Doc. No. 2340, filed 2/1/21; and Doc. No. 2139, filed 12/15/21;

<sup>6</sup> Broussard CS, Rasmussen SA, Reefhuis J, et al. Maternal treatment with opioid analgesics and risk for birth defects. *Am J Obstet Gynecol* 2011;204:314 e1-11; Dawson AL, Razzaghi H, Arth A, et al. Maternal exposures in the National Birth Defects Prevention Study: Time trends of selected exposures. *Birth Defects Res A Clin Mol Teratol* 2015;103:703-12; Lind JN, Interrante JD, Ailes EC, et al. Maternal Use of Opioids During Pregnancy and Congenital Malformations: A Systematic Review. *Pediatrics* 2017;139.

<sup>7</sup> Klein, Shayla. "Grandparents Raising Grand Kids in West Virginia and the Isolation of Covid". April 16, 2021. WBOY News. <https://www.wboy.com/only-on-wboy-com/grandparents-raising-grandkids-in-west-virginia-and-the-isolation-of-covid/>. See also Kersey, Lori. "Opioid Epidemic Contributes to number of WV's 'Grandfamilies'". WV Gazette-Mail. July 8, 2017. [https://www.wvgazettemail.com/news/health/opioid-epidemic-contributes-to-number-of-wv-s-grandfamilies/article\\_3e09adc1-49c7-5bf4-8e46-ceb8c530a904.html](https://www.wvgazettemail.com/news/health/opioid-epidemic-contributes-to-number-of-wv-s-grandfamilies/article_3e09adc1-49c7-5bf4-8e46-ceb8c530a904.html).

<sup>8</sup> According to DEA ARCOS database figures, a total of 15,583,905 Milligrams of Morphine Equivalent ("Total Dosage Units") were prescribed by pharmacists in Boone County, a county with a population of 24,629 people according to the 2010 census.

retirement and the next they are figuring out how to raise a child who will need a tremendous amount of care and money to have a chance to become a productive member of society.

12. With upwards of five percent of newborn West Virginians at risk for so many challenges, the long-term impact a potentially large number of unemployable citizens on the Mountain State's already weakened economy presents a troubling concern for elected officials from the statehouse to the county courthouses to the city halls.

**WHEREFORE**, The NAS Children Ad Hoc requests the Court decline to approve the Disclosure Statement for the reasons set forth in the West Virginia Objection and grant such other and further relief the Court deems just and proper.

Dated: New York, New York  
April 26, 2021

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